

MARIANNE SALIBELLO
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December 12, 2007

Via fax: 914-390-4085

Honorable Charles L. Bricant
U.S. District Court
300 Quarropas Street
Room 275
Courtroom 218
White Plains, NY 10601

Re: Sunbelt Business Brokers of South Florida v. Steinfink DiBenedetto & Company, LLP and Barry Steinfink; Steinfink DiBenedetto & Company, LLP and Barry Steinfink v. Joseph DiBenedetto and Marianne Salibello
S.D.N.Y. Dkt. No. 07 CIV 1331 (CLB)

Dear Judge Bricant:

I am the defendant Marianne Salibello in the above referenced Third Party Complaint filed by Steinfink DiBenedetto & Company, LLC and Barry Steinfink. You are the presiding judge in this case. I am appearing Pro Se in this matter.

I recently received a notice from Mr. Lebowitz, attorney for Steinfink & DiBenedetto & Co., advising me that the Court has directed all parties to appear for a discovery conference on Friday December 14th at 9:30 am.

Since I am an out of town defendant, residing full-time in the state of Florida for the past 16 years, my appearance at this meeting of counsel on December 14th in White Plains, or any other meeting outside of the actual discovery depositions and trial, will present both a financial and personal hardship for me and my family.

I respectfully request the Court's permission to absent myself from the December 14th meeting.

I very much appreciate the Court's consideration in this matter and I look forward to the Court's response.

Yours truly,

Marianne Salibello

Marianne Salibello

cc: Robert M. Adams, Esq.
Laurence I. Lebowitz, Esq.
Joseph C. DiBenedetto, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rev. January 2006

-----X
JOHN A. FERRANTO,

Plaintiff(s),

- against -

DIANNE Y. TIONGSON-ATIENZA,
LIBERTY HARLEY-DAVIDSON, LLC.,

Defendant(s).
-----X

CIVIL CASE DISCOVERY PLAN
AND SCHEDULING ORDER

07 Civ. 5986 (CLB) (MDF)

This Court requires that this case shall be ready for trial on or after June 13, 2008.

The following Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel for the parties, pursuant to Rules 26(f) and 16 of the Federal Rules of Civil Procedure.

The case (is) ~~(is not)~~ to be tried to a jury.

Joinder of additional parties must be accomplished by March 31, 2008.

Amended pleadings may be filed until March 31, 2008.

Discovery:

1. Interrogatories are to be served by all counsel no later than December 31, 2007, and responses to such interrogatories shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 (shall) ~~(shall not)~~ apply to this case.

2. First request for production of documents, if any, to be served no later than December 31, 2007.

3. Depositions to be completed by February 29, 2008.

- a. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
- b. Depositions shall proceed concurrently.
- c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
- d. If the defense of qualified immunity from suit as a matter of law has been or will be asserted by any defendant(s) with respect to any claim(s) in the case, counsel for any such defendant(s) shall, within thirty (30) days of this order depose plaintiff(s) at least concerning all facts relevant to the issue of qualified immunity. Within thirty (30) days thereafter defendant(s) shall serve consistent with Local

Rule 6.1 and file a motion under Rule 12(c) or Rule 56, returnable on a date posted in the New York Law Journal by Judge Bricant for hearing motions. The motion shall, in the absence of agreement of counsel, be limited to the issue of qualified immunity, and plaintiff(s) version of the events shall be assumed true for purposes of the motion. **Failure to comply with this provision of this Order shall operate as a waiver of the opportunity to resolve the issue of qualified immunity by motion prior to trial.**

4. Any further interrogatories, including expert interrogatories, to be served no later than April 30, 2008.
5. Requests to Admit, if any to be served no later than March 30, 2008.
6. Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.
7. All discovery is to be complete by May 23, 2008.

Dispositive motions, if any, must be served on notice as required by Local Civil Rule 6.1, and must be returnable before the Court on a published motion day, no later than three weeks before the ready for trial date.

Next Case Management Conference 6/20/2008 9:00
(This date will be set by the Court at the first conference)

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. Mark D. Fox, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court or the assigned Magistrate Judge acting under a specific reference order.

Upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

SO ORDERED.

Dated: White Plains, New York

December 14, 2007

Charles L. Bricant
Charles L. Bricant, U.S.D.J.